

EXHIBIT 1

State of New York)
: ss.:
County of Nassau)

LOUIS G. SAVINETTI, being duly sworn, depose and say:

1. I am the Republican Commissioner of the Nassau County Board of Elections (hereinafter collectively referred to as the "Board") in the above entitled matter.

2. I am personally familiar with the facts and circumstances herein and submit this affidavit in opposition to the petition and in support of dismissal for the reasons set forth herein.

3. Upon information and belief, Petitioner seeks to be placed on the ballot for the Federal Primary Election scheduled for June 28, 2016. For the reasons set forth below, the application should be denied and the ballot left as it now stands so as to not disenfranchise members of our military.

4. The Federal Primary Election is scheduled for June 28, 2016, less than 7 days from now. Generally, it is necessary to implement procedures to prepare for the election at least four weeks preceding an election. In order to be ready to conduct elections on June 28th, it was necessary to implement preparatory procedures several weeks ago. For the reasons that follow, we respectfully submit that we have reached the point in time where it is highly unlikely, if not impossible, to effectuate any change to the ballot in time for the election.

5. As a result of the extensive and time consuming procedures that accompany the use of electronic voting machines in order to ensure accuracy, reliability and security of the voting process, a change to the paper ballot as sought by petitioner would require that the Board "scrap" all preparations to date and restart the process. It is highly unlikely the Board would be physically able to complete what would be required to prepare and conduct the election without at least two weeks to do all of the physical work programming the machines that is required.

6. As the Court is aware, during elections, voters generally mark a paper ballot at a designated polling place in the election district where they live that lists the candidates and the party lines. The paper ballot is then scanned into an electronic scanning machine known as a ballot scanner where the vote is then counted and the paper deposited into a secured receptacle. In addition to the manual mark ups of the ballot by the voter in a privacy booth, there also exists the option to use ballot marking devices (hereinafter “BMD”) which may be used by voters with disabilities or any other voter. The BMD will print the ballot with the voter’s selection.

7. Whichever method is used, the paper ballot marked with the voter’s choices is inserted into the scanner machine which scans the ballot and records an image of the ballot on a removable memory card. The scanner will count the ballots and when the polls close, will print out the results at the polling place.

8. Additionally, on the night of the election, the secured receptacle containing the results tape, the memory card and any ballots unable to be scanned and tabulated at the polling place, such as affidavit ballots, are returned to the Board. The memory cards are thereafter inserted into a computer at the Board which will notify us of the precincts that have reported the results of the election.

9. Preparation for the election begins with creating the ballot in the election management system software to review by Board staff. After approval of the ballot by the Commissioners, absentee ballots are printed and sent to those who have requested them, while a pdf of the ballot file is forwarded to the printer to create ballots for use at the polling place on Election Day. Members of the United States Armed Forces are afforded 45 days of lead time prior to the election in order to ensure their very deserved participation. If the Primary is ordered

there will not be enough time to mail absentee ballots members of the military as required by federal law and the order of the federal district court.

10. Additionally, the software programming of all the memory cards for each of the 338 ballot scanners and 138 BMDs used in 3rd Congressional District Primary has been completed. As noted earlier, each ballot scanner and BMD operates from memory cards that inform the machine of the information for each particular contest. The ballot for each election is produced by election management software which is programmed onto the memory cards for each scanner and BMD. Upon completion of this process, there can be no change to the program without restarting the process of reprogramming each memory card or programming an entire complement of machines separate and apart from those already programmed and tested, in addition to ordering ballots.

11. Once the memory cards are programmed and inserted into the machines, the Board then commences the comprehensive testing of the scanners and BMDs. A comprehensive test deck is run for each unique ballot layout. In addition, a smaller test deck is run through every ballot scanner and BMD. This process usually begins three weeks prior to the election as it generally takes approximately two weeks to complete this part of the process. This type of logic and accuracy testing is mandated and is essential to ensure the machines are functioning accurately. This entire process is completed.

12. The software programming for the election process is very complicated and extensive in order to ensure the integrity of the process. Controls are built into the system to avoid incorrect tabulations as well as intentional tampering.

13. The election management software utilized in programming the memory cards contains the same data used by the election night reporting software which tallies the election

results. The ballots themselves will contain "timing marks" or codes that the ballot scanners will read in order to identify the voting targets as voting for a particular office or proposition. Simply put, the software that is utilized in the creation of the ballots for each election district, the memory cards and the Board's computer that tallies the results from the memory cards are all interrelated. The change sought by petitioner will require that all ballots be reprinted, all memory cards be reprogrammed and all machines be retested for every election in every election district. Failure to do so will jeopardize the entire election.

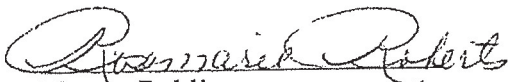
14. The Board intends to commence deploying a total of 338 ballot scanners and 138 BMDs to the 338 election districts on June 22 as it usually takes a minimum of 3 days to transport all of the machines barring any complications, such as weather.

15. Presuming the Board would be able to perform all of the aforementioned tasks in a timely manner, it appears the Board would be in direct violation of the order of the federal court and the National MOVE Act allowing for sufficient time for Military and Overseas Voters to be afforded their right to vote via Absentee Ballot.

16. In light of the foregoing, I urge the Court to dismiss the instant petition.

Louis G. Savinetti, Republican Commissioner
Nassau County Board of Elections

Sworn to before me this
21st day of June, 2016


Notary Public

ROSEMARIE ROBERTS
Notary Public, State of New York
No. 01RO5042160
Qualified in Nassau County
Commission Expires April 17, 2019